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CONSERVATION COMMISSION

MINUTES

May 27th, 2010

Beginning at 7:30 p.m.

City Hall, Room 209

Meeting called to order at 7:40 p.m.

MEMBERS PRESENT: I. Wallach, (Chair), S. Lunin, D. Green, N. Richardson, J. Hepburn, D. Dickson, J. Sender (Alternate)

MEMBERS ABSENT: R. Matthews

MEMBERS OF THE PUBLIC: See attached sign-in sheet

46 Allen Ave. –Beethoven Brook-NOI –Continued from April 29th, 2010;

Report: A wetland scientist made a site visit and submitted a report (in packet). We think additional information is still needed. John Daghlion would have to agree to continue to June 24th for more information.

Meeting: John Daghlion present and requested continuance to June 24, 2010.

DPW Annual Roadwork – RDA – Engineering proposes chip-sealing on Clovelley, Kingsbury, Lawrence, Old England, Old Orchard and Woodman Road(s), water main replacement on Pleasant St., sewer main replacement on Farina St., and stockpiling at Newton Centre Playground; proposed work may occur in riverfront or buffer zone;

Report: Site visits conducted. The only work in Conservation jurisdiction is the stockpiling at Newton Centre Playground. Much of the area is 200 ft riverfront and 100 ft buffer to bank, and there is a 30 ft floodzone associated with the stream. Recommended conditions for this area include:

1. all stockpiles and equipment shall be kept out of the 100 ft buffer zone
2. stockpiles must be covered with anchored tarps at night and on weekends
3. silt fence shall be entrenched and extend from the stone bridge to the farthest eastward extent of the work
4. no cold patch or other petroleum-containing products may be stock-piled or kept on site
5. spill kit(s) must be kept on site if motorized heavy equipment is driven into or left on the site
6. all trash shall be removed from the site at the end of each day
7. the area may not be used to park cars
8. a restoration plan shall be prepared and submitted no later than two weeks from the date of the meeting

There are 4 storm drains at Mason Rice school (Pleasant Street) that should be protected with silt fence liners, as they drain straight to the brook (although 2 of the drains are certainly out of the 200 ft riverfront area). Otherwise all work is out of jurisdictional areas. With these conditions, I recommend a negative determination #2 and #3.

Meeting: John Daghlion appeared for Department of Public Works. He reported on the start of the street work, noting that storm drains will be lined with silt sac or silt fence in areas where they drain directly to streams. All

Conservation Commission

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of the recommended conditions for stockpiling at Newton Centre Playground have been completed except the preparation and approval of a restoration plan. Sr. Planner reminded him of culvert under Olde England Road that should be protected. Following discussion it was suggested that a condition for no refueling of vehicles on site be added to the above list. **Motion to issue a negative determination #2 and #3 with the proposed conditions (1-9 above) and “acceptable” added to #8. Second. Vote: All in favor. Motion passed.**

Countryside School Wetland Alteration -Removal of vegetation – Eric Olsen & Emily Ostrower, Principal, Countryside Day School are requesting permission to remove non-native vegetation from bordering vegetated wetland adjacent to Saw Mill Brook.

Report: NOI and plan sent to DEP ~ 5-18-20, so likely will not have comments and file number. Bordering vegetated wetland still not delineated, and Sr. Planner offered to go out to do transect early in June.

Meeting: Emily Ostrower, Dirk Detlefsen, and Eric Olson present for the project. D. Green said he hoped this could be the basis for similar programs at other schools. An outline has been created for how to pull, how to dispose of plants and why it should be done for the kids. This can be part of the student’s reporting. The commission can approve trash removal from the wetland, but not “work” of pulling vegetation without a file number from DEP. Sr. Planner will work out a time with Mr. Detlefsen to do a soil transect to delineate wetlands at school. With permission of applicant, continued to September 23, 2010.

134 Vine St., RDA – Continued from April 29th.

Report: Owner is in process of revising plans and asks for continuance to June 24th meeting.

Meeting: Commission agreed to continue to June 24th.

75 Albemarle Rd. NOI – Demolition of existing house and construction of new house in riverfront and the 100 ft buffer zone;

Report: All work is out of floodplain, which does not extend beyond pavement. All work is in the 200 ft riverfront. An updated plan was submitted May 20, 2010 (dated May 19, 2010). Lot area is 7648 square feet, with existing impervious of 2,867 (37.5%) and 2897 square feet impervious proposed (=37.9%). Of the 2897 sq ft, 1855 is to be redevelopment (new impervious surface over existing impervious surface), and 1028 square feet is new development (new impervious surface over lawn area) → but, numbers do not quite add up, and ~990 square feet of impervious area will be “restored” (to vegetation?). 310 CMR 10.58(4)(c)3 says that, “The purpose of evaluating project alternatives is to locate activities so that impacts to the riverfront area are avoided to the extent practicable. ...”If siting a portion of a project entirely outside the riverfront area is not practicable, the alternatives shall be evaluated to locate the project as far as possible from the river.” 310 CMR 10.58(4)(d) states that the work must have no significant adverse impact on the riverfront area to protect the interests under the act – this is probably the case. Under 10.58(5) – redevelopment, see 10.58(5)a, “At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified ...” Mitigation in the form of a “landscape area” is offered, to contain 8 shrubs from a list of native shrubs on the revised plan. A tree or two might be better. Although the consultant has not made the argument, this lot offers little protection for the interests under the act. If the Commission approves the plan, these mitigation plantings should be maintained as on-going condition.

Meeting: Mr. and Mrs. Hua Liao, new owners, were present. They want a more modern, two-story house with a larger footprint. The footprint is narrower, so that there is a net decrease within the 100 ft buffer zone to bank and first 100 ft of riverfront area. Because the soil is sandy they believe there will be no increase in runoff. The engineer calculates there will be an overall increase of 38 sq ft of impervious area. The house is the same distance



from the river (three ft farther away). Mitigation is needed and applicant offers eight (8) shrubs from a table of native species on the plan. The Sr. Planner approves, but notes there is no “canopy” provided by the shrubs for wildlife habitat, and notes the “landscape areas” are actually “mitigation beds” that must be maintained in perpetuity. Following discussion, it was suggested that plantings include two (2) American holly trees, one in each planting area, no larger than 5-gallon size (3-4 ft in height) to replace two of the shrubs. **Motion to issue an Order of Conditions with standard conditions and special condition of mitigation planting (added to plan for owner and for file). Second. Vote: All in favor. Motion passed.**

MBTA near 40 Glen Ave. – RDA for new work performed in conjunction with emergency repairs to Green Line wash-out during flood and submission of as-built plan;

Report: MBTA wished not to have to send a representative to the meeting. The “new work” is a new drainage pipe adjacent to the tracks on the top of the embankment. He sent an explanation of the need for the pipe via email (in your packets), and I believe a negative determination #3 with no conditions is appropriate.

Meeting: Sr. Planner reported she told MBTA no one needed to appear. D. Green recused himself. Sr. Planner reported on work done. The repair included a pre-fabricated berm and contractors scooped gravel up over and behind it. There may be a lot more gravel on the north side of the tracks than before the flood and repair. Sr. Planner thinks this is still a “repair” except for the new drainage pipe. Work is in the 100 ft buffer zone, but not in a floodplain, according to our GIS. **Motion for negative determination with no conditions. Second.**

Vote: D. Dickson abstained. Ira Wallach, S. Lunin, N. Richardson, and J. Hepburn voted “aye.” Motion passed.

40 Roosevelt Rd. – RDA for excavation to repair foundation in flood zone.

Report: Owner hired someone to excavate around foundation and repair work needs to be done, necessitating digging out around foundation. Lot is in flood zone. Asked owner to file RDA, and recommend only condition that owner consult with me or Commission if any widening of foundation or if stockpiled material not re-used to fill around foundation or trucked away. Dirt being stored on tarps and no erosion and sediment control needed right now.

Meeting: Kevin Halliday, contractor, appeared to describe work, which is in flood zone to Paul Brook.

Motion to issue a negative determination #2, with the condition that owner consult with the commission if any widening of the foundation or change of grade (by disposal of excess dirt) is proposed. Second. Vote: All in favor. Motion passed.

Violations:

116 Louise Rd – Violation and trespass- Owner to discuss putting bounds on property border and restoration/plantings on Hahn Brook Conservation area; Commission directed they contact Law Department and show proof of claims to “grandfathered” alterations by May meeting.

Report: Owner has spoken to Law Department, but delayed and now is not ready for May meeting but thinks they will have consulted with an attorney and concluded a title search to prove the length of their possession by the June meeting.

34 Farwell St. Violation – EO issued to Angelo Paolini and D.C.R. to remove rear house by April 15th, 2010 and submit as-built and paperwork for Certificate of Compliance on prior OOC

Meeting: Sr. Planner reported that the Law Department has it on their work list.



15 Harwich Rd. –Mr. Spellman is working with a consultant to bring site into compliance;

Meeting: Sr. Planner has heard nothing new from Mr. Spellman.

46 Farwell St. – Mitigation activity at Norumbega halted due to cold weather.

Meeting: Sr. Planner reported that Mr. D'Agostino has offered to buy wood chips and have his (sub) contractor spread them.

Certificates of Compliance

#12 Kessler Way (Lot 1 Kessler Woods) – added late.

Meeting: R. Tuck and Joe Porter present for project. Lot 1 has been sold and closing is soon. As-built and letter submitted with list of changes not previously approved by commission. J. Porter states that changes will not affect drainage from the lot or within the development and lot is out of resource areas. **Motion to issue partial Certificate of Compliance contingent on site visit by Sr. Planner. Second. Vote: All in favor. Motion passed.**

Announcements & General Business:

Open Space Plan – Report – Anne

Meeting: J. Hepburn suggests a meeting to discuss “dog parks” in conservation areas as soon as possible.

April 29th, 2010 Meeting Minutes for approval

Meeting: Motion by D. Green to approve minutes with two corrections. Second. Vote: I. Wallach and D. Dickson abstained. S. Lunin, D. Green, N. Richardson, and J. Hepburn voted “aye.” Motion passed.

Other Business

A discussion began of what documentation is necessary for filings and is sufficient to reach a conclusion to issue an Order or Certificate of Compliance. The current policy is that correct documentation must be in two weeks before the meeting (for a new filing, complete documentation must be submitted and it must be in the third Tuesday before the meeting). Stuff that comes in late is an issue; habitual inaccuracy is another. The policy should be that inaccurate filings are incomplete. **Motion to adopt a policy that inaccurate filings are incomplete. Second. Vote: All in favor. Motion passed.**

D. Dickson announced he is resigning from the Commission as of June, but will consider being an alternate member. D. Green should ask the mayor to come to the September meeting of the Commission in which the kids from Country Day School should be present. **Motion to adjourn. Second. All in favor. Motion passed.**

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner

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